

Application No. 10/553,852
Amendment dated June 24, 2009
Reply to Office Action of March 24, 2009

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Docket No.: 64343NAT(70403)

REMARKS

Claims 45-85 are pending. Claims 46-80, 82 and 84-85 are amended. Amendment of any claim herein is not to be construed as acquiescence to any of the rejections/objections set forth in the Office Action, and was done to expedite prosecution of the application. Applicants make these amendments without prejudice to pursuing the original subject matter of this application in a later filed application claiming benefit of the instant application, including without prejudice to any determination of equivalents of the claimed subject matter. Support for these amendments appears throughout the specification and claims as filed. No new matter is introduced by these amendments.

Rejections under 35 U.S.C. § 112, second paragraph

Claims 84-85 are rejected as being indefinite, the claims being dependent from canceled claims. Applicants have amended claims 84-85 to depend from claim 83, thereby rendering the rejection moot. Applicants respectfully request withdrawal of the rejection.

Rejections under 35 U.S.C. § 102(e)

Claims 45-85 are rejected as allegedly being anticipated by Padlo et al. (US 7,235,250) and/or Pablo et al. (US 2004/007660). Applicants traverse.

Applicants note that it appears that reference to "Pablo" in the Action is actually meant to be "Padlo et al." and "US 2004/007660", which is the US publication that corresponds to US 7,235,250.

It is asserted in the Action that Padlo discloses a cleaning device having a fabric, wipe, or sponge which includes at least one enzyme, a surfactant and a humectant. Padlo is directed towards a personal care towelette article for use in delivering a personal care composition directly to a skin or hair surface and which keeps the users hands clean. This is not the case of the present invention. One of the problems which Padlo seeks to address is to prevent a user's fingers from being soiled

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with impregnated compositions. This is especially so where relatively oily materials are to be transferred ('660 application, paragraph 10). As disclosed in the Padlo examples, these oily materials are typically cold creams or skin creams to be applied to a users skin, which are NOT compositions suitable for Applicants' claimed subject matter, devices for cleaning medical instruments.

Padlo states that the cosmetic cream formulations of their invention may optionally contain additional ingredients which act as cosmetically acceptable carriers. At paragraph 43, Padlo teaches compositions may include skin/hair benefit agents and will have a cosmetically acceptable carrier. At paragraph 45, Padlo teaches emollient materials may serve as acceptable carriers. Again at paragraph 59, it is taught that humectants of the polyhydric alcohol-type can also be employed as cosmetically acceptable carriers.

Amongst a laundry list of other ingredients suitable for cosmetic formulations, Padlo teaches the addition of benefit agents. Suitable benefit agents include, for example, surfactants (paragraph 61), suncream actives (paragraph 63), antimicrobial agents (paragraph 66), vitamins (paragraph 67) enzymes (paragraph 68), skin tightening compounds (paragraph 69) and desquamation promoters (paragraph 70). It will be appreciated that this non-specific teaching of cosmetically acceptable carriers from a laundry list of optional ingredients suitable for use in cosmetic compositions does not disclose Applicants' present invention with the degree of specificity required to constitute anticipation.

None of the Examples exemplified in Padlo disclose a composition containing an enzyme. More significantly, none of the Examples exemplify a composition comprising at least one enzyme, a surfactant and a humectant, as claimed. One cannot simply select ingredients from a laundry list of optional ingredients in cosmetic compositions for the basis of an anticipation rejection when the cited document clearly does not teach such a selection.

Moreover, distinct and distinguishable from the teachings of Padlo, the present invention is not directed to a personal care towelette article for delivering a personal

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care composition directly to a skin or hair surface but is in fact directed to a cleaning device for removing most of the external adherent soiling on an endoscope by a mechanical wiping action. More importantly, the device of the present invention acts by serving to redistribute any remaining external soiling so that the contamination which is not removed is distributed as a film of thin and uniform thickness. The resulting thin film allows for a more efficacious action by the enzymes of the device (see page 5, lines 8-12 in the application). Padlo fails to teach each and every element of Applicants' claimed subject matter. Padlo fails to generally provide a device for cleaning a medical instrument and fails to specifically provide any examples having the combination of Applicants' claimed elements. Thus, Applicants submit that the claimed invention is novel over the cited prior art.

In view of the above amendment, Applicants believe the pending application is in condition for allowance. Should any of the claims not be found to be allowable, the Examiner is requested to telephone Applicants' undersigned representative at the number below. Applicants thank the Examiner in advance for this courtesy. The Director is hereby authorized to charge or credit any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 64343NAT(70403).

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Respectfully submitted,

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